IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 8374 of 2004

Between:

Miryala Mohan Kumar S/o M.Venkateswara Rao
16-11-404/27, Sainagar, SBI Colony, Musarambagh
Dilsukhnagar, Hyderabad.

..... PETITIONER

AND

1 L.Rajaiah, H.No.2-2-1150, 1st floor,

opp: Saibaba Tiffin Centre, Near Brahmin Hostel,

New Nallakunta, Hyderabad
2 S.Nageswara Rao, working as Clerk in BSNL,
Punjagutta, Hyderabad
3 The Station House Officer, Police Station Nallakunta, Hyderabad
4 Simakurthi Sirisha W/o M.MohanKumar,
C/o L.Rajaiah H.No.2-2-1150, 1st Floor,
New Nallakunta, Hyd
5 The Regional Pass Port officer, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or a writ more particularly in the nature of Habeas Corpus

directing the Respondent Nos. 1 to 3 to produce the 4th respondent who is presently in the custody of Respondents 1 and 2 and consequently to issue a direction to handover the custody of R-4 to the Petitioner herein.

Counsel for the Petitioner : Mr.KRISHNA DEVAN

Counsel for the Respondents 3&5 : THE ADVOCATE GENERAL

R.4 appeared in person rep. by RR1&2

The Court made the following :

ORDER:

This is a Habeas Corpus petition seeking production of fourth respondent in Court alleging that she has unlawfully been detained by Respondents 1 and 2. Admittedly, fourth respondent is major. She was called to Court and she appeared in Court yesterday. We examined her in open Court. She states that she had done her M.C.A. and presently is in search of a job and is staying happily with her parents namely Respondent No.2. First respondent is her uncle and she further states that there is no restraint on her movements and specifically stated that she does not like to have any interaction with the petitioner. In these circumstances, no direction can be issued in this petition compelling the fourth respondent to live with the petitioner. Petitioner can take appropriate proceedings in accordance with law for redressal of his grievance.

In the result, the writ petition is dismissed. No costs.

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DEVINDER GUPTA, C.J

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G.ROHINI, J

Dated: 7th July 2004.

NMR/DA

To

1 L.Rajaiah, H.No.2-2-1150, 1st floor, opp: Saibaba Tiffin Centre, Near

Brahmin Hostel, New Nallakunta, Hyderabad
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New Nallakunta, Hyd
5 The Regional Pass Port officer, Secunderabad.

6 Two CCs to the Advocate General, High Court, Hyderabad.

7 Two CD copies.